

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-80 are pending in this application.

Priority:

The present application claims the benefit of U.S. provisional application no. 60/242,075 filed October 23, 2000. This priority claim has been recognized by the USPTO. For example, the filing receipt of the present application explicitly acknowledges that the present application claims the benefit of U.S. provisional application no. 60/242,075. Entry of the amendment to the specification including a specific reference to the provisional application before the first sentence of the specification is therefore in order.¹

Claim Objections:

Claim 48, line 6 has been editorially amended to delete a redundant period (.). Applicant thus respectfully requests that the objection to claim 48 be withdrawn.

Rejections Under 35 U.S.C. §103:

Claims 1-8, 14-16, 18, 20-26, 28-29, 35-37, 39-48, 54-56, 58, 60-69, 75-77 and 80 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Othmer et al (U.S. '358, hereinafter "Othmer") in view of Zeh (U.S. publication

¹ Applicant notes that the amendment to the specification was also suggested on the coversheet of the present application filed April 6, 2001.

no. 2002-0021272). Claims 9-13, 30-34, 49-53 and 70-74 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Othmer and Zeh in further view of Johndrew et al (U.S. publication no. 2001-0049697, hereinafter "Johndrew"). Claims 17, 38, 57 and 78 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Othmer and Zeh in further view of admitted prior art. Claims 19, 40, 59 and 79 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Othmer and Zeh in further view Tse (U.S. '754).

The named inventor of the Zeh reference (publication no. 2002-0021272) assigned his rights in the Zeh reference to Nintendo of America, Inc. as evidenced by the assignment recorded at reel/frame 011961/0604. Nintendo of America, Inc. then assigned its rights in the Zeh reference to Nintendo Co., Ltd. as evidenced by the assignment recorded at reel/frame 011961/0609. The present application is assigned to Nintendo of America, Inc. as evidenced by the assignment recorded at reel/frame 011995/0529. Nintendo of America, Inc. is a wholly owned subsidiary of Nintendo Co., Ltd. as evidenced by the attachment describing the company history of Nintendo Co., Ltd. This attachment may also be found at the following website: <http://www.nintendo.com/corp/history.jsp>.

Applicant hereby states that the present application and the Zeh reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same entity. The present application was filed on April 6, 2001 (i.e., after November 29, 1999). The Zeh reference is thus disqualified as "prior

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art” with respect to the present application under 35 U.S.C. §103(c). It is therefore not believed necessary at this time to discuss the technological deficiencies of this document and hence the combination of this document with Othmer and/or tertiary references Johndrew and Tse. Applicant therefore respectfully requests that the above rejections of claims 1-80 be withdrawn.

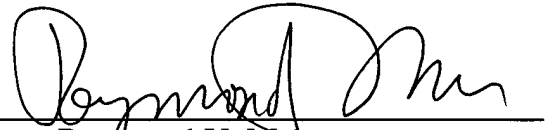
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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